

The Applicant respectfully requests that the Examiner enter the "CROSS REFERENCE TO RELATED PATENTS/PATENT APPLICATIONS" section as amended below.

**(2) SUBSTITUTE PRELIMINARY AMENDMENT**

On page 1, starting at line 3, and continuing to the bottom of page 1 (line 30) of the originally filed written specification, please amend the "CROSS REFERENCE TO RELATED PATENTS/PATENT APPLICATIONS" section as follows:

**"CROSS REFERENCE TO RELATED PATENTS/PATENT APPLICATIONS"**

The present U.S. Utility Patent Application claims priority pursuant to 35 U.S.C. § 119(e) to the following U.S. Provisional Patent Application Applications which ~~is~~ are hereby incorporated herein by reference in ~~its~~ their entirety and made part of the present U.S. Utility Patent Application for all purposes:

~~1. U.S. Provisional Patent Application Serial No. 60/384,698, entitled "Variable code rate and signal constellation turbo trellis coded modulation codec," (Attorney Docket No. BP 2333), filed May 31, 2002 (05/31/2002), pending.~~

~~1. 2. U.S. Provisional Application Serial No. 60/478,690, "Coded modulation with LDPC (Low Density Parity Check) code using variable maps and metric updating," (Attorney Docket No. BP3036), filed June 13, 2003 (06/13/2003), pending.~~

The present U.S. Utility Patent Application also claims priority pursuant to 35 U.S.C. § 120, as a continuation-in-part (CIP), to the following U.S. Utility Patent Application which is hereby incorporated herein by reference in its entirety and made part of the present U.S. Utility Patent Application for all purposes:

1. U.S. Utility Application Serial No. 10/264,486, entitled "Variable code rate and signal constellation turbo trellis coded modulation codec," (Attorney Docket No. BP 2333), filed October 4, 2002, pending, which claims priority pursuant to 35 U.S.C. § 119(e) to U.S. Provisional Patent Application Serial No. 60/384,698, entitled "Variable code rate and signal constellation turbo trellis coded modulation codec," (Attorney Docket No. BP 2333), filed May 31, 2002 (05/31/2002), ~~pending.~~

The following U.S. Utility Patent Application, being filed concurrently, is hereby incorporated herein by reference in its entirety and made part of the present U.S. Utility Patent Application for all purposes:

1. U.S. Utility Patent Application Serial No. 10/669,177, entitled "Metric updating when decoding LDPC (Low Density Parity Check) coded signals and LDPC coded modulation signals," (Attorney Docket No. BP3036.1), filed September 23, 2003 (09/23/2003), pending."

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The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present patent application, or if the Examiner has any additional questions or concerns.

RESPECTFULLY SUBMITTED,

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